

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

SOCORRO COUNTY, NEW MEXICO;
SOCORRO COUNTY BOARD OF COUNTY
COMMISSIONERS; DANIEL ROMERO,
Chairperson of the Socorro County
Board of County Commissioners;
DICK GALLEGOS, TOBY JARAMILLO,
JUAN GUTIERREZ, and MIKE MORA,
Members of the Socorro County Board of
County Commissioners; and CARMEN D.
GALLEGOS, Socorro County Clerk,

Defendants.

CIVIL ACTION NO.
NO. 93-1244-JP

CONSENT AGREEMENT

The United States initiated this action pursuant to Sections 2, 12(d) and 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973, 42 U.S.C. 1973j(d), 42 U.S.C. 1973aa-1a, and 28 U.S.C. 2201, alleging violations of the Voting Rights Act and the Fourteenth and Fifteenth Amendments arising from Socorro County's election practices and procedures as they affected Native American citizens of the county, including those Native American citizens who rely in whole or in part on the Navajo language.

The claim under Section 203 of the Voting Rights Act ("Section 203") must be heard and determined by a court of three judges in accordance with the provisions of 42 U.S.C. 1973aa-2 and 28 U.S.C. 2284.

The plaintiff alleged in its complaint that various election standards, practices and procedures of the defendants

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unlawfully deny or abridge the voting rights of Native American citizens residing in Socorro County. The challenged practices touch on voter registration, absentee voting, voter registration cancellation procedures, and the failure of the defendants to implement, as required by Section 203, effective bilingual election procedures, including the effective dissemination of election information in the Navajo language. The challenged practices also concern the failure of defendants to provide for a sufficient number of adequately trained bilingual persons to serve as translators for Navajo voters needing assistance at the polls on election day.

The defendants do not contest that in past elections the county has failed to make the election process in Socorro County equally available to Native American and non-Native American citizens as required by Section 2 and the Fourteenth and Fifteenth Amendments, nor do defendants contest that in past elections the county has failed to comply fully with the minority language requirements of Section 203.

Socorro County agrees in the future to comply with the requirements of Sections 2 and 203 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments.

This Court has jurisdiction over the parties and the subject matter of this litigation. This Agreement is final and binding between the parties and their successors in office regarding the facts, claims, and issues raised in the Complaint and resolved herein.

In settlement of this matter, the parties stipulate as to the following facts:

1. Socorro County has been subject to Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-1a, since 1984 with respect to the Navajo language. In 1992, pursuant to the Voting Rights Language Assistance Act of 1992, the county's coverage under Section 203 was extended based upon the determinations by the Director of the Bureau of the Census pursuant to the Act. The Director determined that Socorro County is a political subdivision that contains all or part of an Indian reservation, wherein more than 5 percent of the American Indian citizens of voting age within the reservation are members of the Navajo language minority group who do not speak or understand English adequately enough to participate in the electoral process, and further that the illiteracy rate of such persons as a group is higher than the national illiteracy rate. Based on this determination, Socorro County is subject to Section 203 of the Voting Rights Act with respect to the Navajo language, which is an oral language. This determination was published in the Federal Register on September 18, 1992, and became effective upon publication.

2. Section 203 requires that all information that is provided by Socorro County in English about voter "registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots," must be provided in the Navajo language to the extent that it is needed to allow language minority group members to be

informed of and participate effectively in the electoral process and all voting-connected activities. 42 U.S.C. 1973aa-1a(c). The provisions of Section 203 apply to all stages of the electoral process, "including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process." Attorney General's Procedures for the Implementation of the Provisions of the Voting Rights Act for Minority Language Groups, 28 C.F.R. 55.15. Because the Navajo language is historically an unwritten language, defendants are required to furnish oral instructions, assistance and other information relating to registration and voting in the Navajo language. 42 U.S.C. 1973aa-1a(c); see also 28 C.F.R. 55.12(c).

3. Section 2 of the Voting Rights Act requires that citizens be allowed to participate equally in all phases of the election process without regard to race, color or membership in a language minority group.

4. According to the 1990 Census, Socorro County has a population of 14,764 persons, of whom 1,491 (10.1%) are Native Americans, principally members of the Alamo Chapter of the Navajo Nation.

5. According to the 1990 Census, 66.3 percent of the Navajo voting age population in Socorro County does not speak English well enough to participate effectively in English language

elections. Thus, a significant majority of Navajos in Socorro County cannot function in the electoral process except in the Navajo language.

6. The Navajo population of Socorro County lives in circumstances of significant physical and social isolation from the non-Native American population of the county. Socorro County is unusually large in physical terms, and covers a geographic area substantially larger than the States of Connecticut and Rhode Island, combined. While over two-thirds of the non-Native American voting age population of the county lives within four miles of Socorro, the county seat, over 90 percent of the Native American population lives in the Alamo Chapter of the Navajo Nation, approximately 57 miles from the county courthouse. The physical and social isolation of the Navajo population of Socorro County burdens their access to the franchise.

7. The problems associated with the geographical isolation of this area are exacerbated by the depressed socioeconomic conditions of Native Americans in Socorro County. According to the 1990 Census, the per capita income of Native Americans in Socorro County was only \$3,177, or less than one third of the per capita income of non-Native Americans (\$10,505). While 23.9 percent of non-Native American families live below the poverty line, 52.8 percent of Native American families are impoverished. Native American households are more than three times as likely not to have a car or truck as non-Native American households. The lack of vehicles places a special burden on travel to the county

courthouse. The 1990 Census shows similar disparities for access to telephones. Within Socorro County, 64.9 percent of households within the Alamo Chapter lack telephones, compared to 19.7 percent of off-reservation households.

8. Native American citizens in Socorro County suffer from a history of discrimination touching their right to register, to vote, and otherwise to participate in the political process, arising from their unique status. See e.g., Trujillo v. Garvey, C.A. No. 1350 (D.N.M., August 11, 1948); Sanchez v. King, C.A. No. 82-0067-M (D.N.M., August 8, 1984).

9. The level of political participation by Native American citizens of Socorro County is depressed. Over the past decade, voter registration rates in the predominantly Native American precinct (Alamo) have been approximately 60 percent of the rate in non-Native American precincts, and Native Americans are affected disproportionately by voter purge procedures. Although Native Americans comprise over 10 percent of the county population, only one percent of all absentee ballots were from the Alamo precinct in the 1992 general election, and there were no absentee ballots cast from the Alamo precinct in the 1990 general election. As a result of the lack of publicity concerning constitutional and other referenda, the rate of participation by Native Americans on such issues has been far below the participation rate among non-Native Americans, and has ranged from a high of 16 percent to a low of less than three percent since 1986. Native Americans who are able to go to the polls in many cases have had to wait in line an

extraordinary period of time in order to vote, and have been unable to cast effective ballots because of an absence of a sufficient number of fully trained translators.

To bring about compliance with the Voting Rights Act and the Fourteenth and Fifteenth Amendments, the parties have agreed upon the following remedial provisions and have agreed to the entry of this order. Entry of this Agreement shall be final and binding on all of the parties and their successors as to all issues raised in the complaint and resolved herein. Accordingly, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The defendants, their agents and successors in office, and all other persons acting in concert or participation with them, are hereby permanently enjoined from failing to comply with the requirements of Sections 2 and 203 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments.

2. It is the intent of Socorro County to provide to Native American voters full and complete information as to all election-related matters including, but not limited to, registration, election dates, polling place locations, candidate information, referendum information, absentee voting information, and voter purge procedure information. It is the further intent of Socorro County, recognizing the particular circumstances of the Native American population of the county, to make all phases of the election process as accessible to the Navajo population of Socorro County as they are to the remainder of the county's population.

3. To assist in the effectiveness of this Agreement and to protect the Fifteenth Amendment rights of citizens of Socorro County, the appointment of federal examiners for elections in Socorro County is authorized pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. 1973a(a), for at least the period of this Agreement.

4. Socorro County is designated pursuant to Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973a(c) for the period of this Agreement, so that during that period no alteration of any voting qualification or prerequisite to voting or any standard, practice, or procedure with respect to voting may be implemented by Socorro County without prior clearance from this Court or from the Attorney General of the United States. Such changes include but are not limited to amendments to the Native American Election Information Program and changes in polling places within Socorro County, and include all practices and procedures of Socorro County to implement and administer state-mandated changes affecting voting.

5. In light of the complexity of the issues involved and the evolving nature of the Program, this Agreement shall remain in effect through December 31, 2003, unless plaintiff moves the Court for good cause shown to extend this Agreement.

6. Socorro County has adopted the following Native American Language Election Information Program which the Court hereby approves as part of this Agreement, as set forth below. The purpose of the Native American Language Election Information

Program is to ensure the dissemination of election-related information to the Navajo speaking population of Socorro County, and to make the election process equally accessible to Native American citizens. This program is intended to remedy the deficiencies of existing procedures for providing election-related information to the Navajo population of Socorro County, and to provide a procedure by which this program may be improved and modified in the future.

THE NATIVE AMERICAN ELECTION INFORMATION PROGRAM

A. Intergovernmental Coordination

1. Socorro County and the Voting Rights Coordinator shall request and accept all training, materials and services available from the State of New Mexico in furtherance of the implementation of this program, and shall encourage the production of such materials by the state. The Voting Rights Coordinator shall stay in regular contact with state personnel, including personnel of the Office of the Secretary of State, Bureau of Elections, Office of Indian Rights and the New Mexico Office of Indian Affairs, in order to coordinate state and county activities and efforts, and for advice and assistance associated with the Native American Election Information Program. Socorro County shall encourage the assistance of such state personnel, and shall at all times welcome their presence in the county to assist in implementation of this Program or to assist Native Americans in any phase of the election process.

2. Socorro County is encouraged to work with other counties in New Mexico and neighboring states which have programs for Native American language minorities to coordinate election activities, including the development of standard terminology for the translation of election materials into Navajo, and to obtain cost savings in the implementation of effective Native American language programs.

3. The county shall invite representatives of the Navajo Elections Administration (NEA) and officials of the Alamo Navajo Chapter to assist in all phases of the Native American Election Information Program. To assist in uniformity and accuracy in the translation of election materials, prior to dissemination of any translation, the county shall make available such translations to tribal officials within Socorro County and to representatives of the NEA, and shall provide them with a reasonable opportunity to review and comment concerning any matter translated. The county shall keep a written record of such comments and the county's response to the comments.

B. Satellite Election Office

1. Socorro County shall establish a permanent Satellite Election Office at a location within the Alamo Navajo Chapter convenient to the population of the Alamo Chapter. The establishment of the Satellite Election Office shall be with the consent of the appropriate tribal officials.

2. The Satellite Election Office shall serve as the principal place for office hours for the Voting Rights Coordinator

provided for in part C of the Program below, as a library of written and recorded election information, as a distribution point for the dissemination of election information, and as a site for the performance of all functions related to the election process that can be performed at the county courthouse, including but not limited to registering to vote or updating voter registration information; filing as a candidate for office; and casting an absentee ballot. The Satellite Election Office may be used for other governmental purposes as agreed upon in writing by the parties.

3. Delivery of a voter registration application or performance of any other election-related task at a Satellite Election Office shall be effective in terms of all time deadlines and requirements as if the application had been delivered to, or the task performed at, the county courthouse.

4. A supply of all forms and materials necessary to complete these functions shall be maintained at the Satellite Election Office. Copies of all materials, information and audio-visual tapes required to be disseminated pursuant to this Agreement, including all election-related materials prepared by the state, likewise shall be available in the office, together with appropriate audio-visual equipment.

5. A county employee, Tribal Election Liaison, or other personnel comparably trained in election procedures and appointed as a deputy registrar, shall be available at the Satellite Election Office during regular office hours on work days.

C. Voting Rights Coordinator

1. Socorro County shall employ at least one Voting Rights Coordinator who will coordinate the Native American Election Information Program in Socorro County. The Voting Rights Coordinator shall be bilingual in Navajo and English, and shall serve primarily the area of the Alamo Chapter of the Navajo Nation.

2. The Voting Rights Coordinator shall be hired by Socorro County after consultation with the officials of the Alamo Navajo Chapter and counsel for the United States. Socorro County shall invite such officials to present the names of at least four qualified persons fluent in English and in Navajo, and shall select the Voting Rights Coordinator from among the names submitted, provided that the individuals otherwise satisfy legitimate requirements for county employment. In the event that fewer than four names of qualified persons are submitted, Socorro County shall consult with the appropriate tribal officials and the United States.

3. Socorro County shall develop a job description for the Voting Rights Coordinator in consultation with the officials of the Alamo Navajo Chapter and counsel for the United States. The duties of the Voting Rights Coordinator shall be limited to those specified in the Native American Election Information Program, and closely related election activities, except as may be provided in a separate written agreement of the parties.

4. The Voting Rights Coordinator shall be trained in all aspects of the election process, shall attend all election

seminars conducted by the Secretary of State and the Socorro County Clerk, and shall be appointed a county deputy registration officer. The Voting Rights Coordinator shall be fully briefed by the county clerk and the state Director of the Bureau of Elections (or the Director's designee), as appropriate, concerning the Coordinator's duties and responsibilities under this Program. Representatives of the Alamo Navajo Chapter and the NEA shall be invited to attend these briefings by written notice 10 days in advance of each training session, and representatives of the United States shall be permitted to attend these briefings to assist state and local election officials in explaining the requirements of this Program. The Voting Rights Coordinator shall be hired and the briefings completed by March 28, 1994.

5. The Voting Rights Coordinator shall oversee the county's Native American Election Information Program generally and attend on a regular basis meetings of the Navajo communities within the county. The Coordinator shall attend each Alamo Chapter meeting and chapter officers' meeting. The Voting Rights Coordinator shall seek to attend and make a presentation of election information at all other public meetings (such as parent-teacher organization and senior citizen group meetings) and gatherings (such as for commodity distribution) within the Alamo Chapter or serving a significant number of Navajo citizens, consistent with the schedule set forth within.

6. The county shall establish booths or displays at all tribal fairs or functions where their presence is permitted by the

tribal officers, and at shopping areas and other locations identified by the Voting Rights Coordinator in consultation with tribal officials. The county shall staff such booths or displays with the Voting Rights Coordinator, Tribal Election Liaison, or deputy registration officers.

7. The Voting Rights Coordinator shall identify other opportunities to disseminate election information to Native Americans. The Coordinator shall contact each officer of the Alamo Chapter in January and June of each year of this Agreement to identify all groups or meetings before which presentations might be made or displays and booths established. The Coordinator shall provide lists of such groups or meetings to the county clerk and the NEA by the close of the relevant month. Within 30 days thereafter, the Voting Rights Coordinator shall notify the Chapter officers, the NEA and the United States, in writing, of the meetings and groups before which the Coordinator will appear.

8. The Voting Rights Coordinator shall conduct voter education programs concerning each election within Socorro County which involves any portion of the Alamo Chapter, and any other areas of Navajo population within the county. Such voter education programs shall include instruction and dissemination of information on at least the following topics: voter registration; absentee voting procedures; voter purge; candidate qualification; voting procedures and operation of voting machines; the contents of the ballot; and all time deadlines and requirements. The Voting Rights Coordinator shall work primarily out of the Satellite Election

Office, and shall not be required to be present in the county courthouse for more than one working day in any week.

9. The Voting Rights Coordinator, or other county officials, shall maintain a written record of the date and purpose of each visit made for election-related purposes to each meeting held at the Alamo chapter house or other site within the Alamo Navajo Chapter. Within 30 days after each primary, general, school, and special election, the Voting Rights Coordinator shall prepare a written report detailing the Coordinator's election-related activities in implementing the goals and provisions of the Native American Election Information Program.

10. The Voting Rights Coordinator shall conduct the training of all deputy registration officers, poll officials and other election-related personnel who will participate in the Native American Election Information Program. The Alamo Chapter President shall be notified, at least two weeks before the scheduled training, of each training session and be invited to send a representative. Training sessions shall be open to the public and shall be held at convenient locations within the Alamo Chapter, as permitted by tribal officials. Training shall be conducted at least in part in the Navajo language, so that the election-related personnel shall be familiar with Navajo terminology for all aspects of their election duties.

11. Socorro County shall establish a travel and supply budget for the Voting Rights Coordinator which shall be sufficient to cover travel and supply expenses incurred in carrying out the

Coordinator's duties, obligations and responsibilities to effectively implement this Native American Election Information Program. The parties anticipate that, since the Coordinator will be based in the Alamo Chapter, the need for travel other than for state-sponsored training will involve primarily short trips to sites within the Chapter or to the town of Magdalena, with trips as necessary and appropriate to the county courthouse.

D. Tribal Election Liaison

1. Socorro County shall request the Alamo Navajo Chapter President to identify and appoint one individual to serve as a Tribal Election Liaison between the county and the Alamo Chapter.

2. The Tribal Election Liaison shall be qualified as a deputy registration officer and county election officials shall train the Liaison in all aspects of the election process, including the schedule of elections, election-related deadlines, absentee voting, the voter registration and purge processes, candidate qualification requirements and procedures, election day activities, and the text and significance of proposed constitutional amendments and other referenda. In the event of a vacancy in the office of Voting Rights Coordinator, the Tribal Election Liaison shall succeed temporarily to that position, and shall receive all responsibilities, pay and benefits of the position until a new Coordinator takes office.

3. Telephone inquiries from the Voting Rights Coordinator, the Tribal Election Liaison, deputy registration

officers on the reservations, and tribal officials involved in election activities, to the county clerk's office and the secretary of state's office respecting election-related matters, are encouraged and shall be considered official government business, and telephone charges associated with any such calls shall be paid by the county.

E. Translations

1. The following election-related materials and announcements shall be translated into the Navajo language, made available on audio tapes, and provided to the Voting Rights Coordinator at the Satellite Election Office by the dates specified:

a.) Detailed election calendar for each year (by January 1 of each year);

b.) State, county and school district election proclamations (by the statutory date of proclamation);

c.) Constitutional amendments and other referenda issues on the ballot (within 30 days of the date the English text is determined, and no later than the date of proclamation);

d.) A brief description of each constitutional amendment and other referendum issue on the ballot (by the date of each election proclamation);

e.) Candidate qualification requirements and deadlines (60 days prior to the respective qualification deadlines for primary elections for state and federal offices, primary elections

for other offices, independent candidates, and write-in candidates);

f.) The duties, functions and compensation for each office filled by election involving any part of Socorro County (by January 1 of each year);

g.) Voter registration deadlines (by January 1 of each year, with separate tapes containing deadlines for each type of election);

h.) Instructions relating to voting by absentee ballot (by April 20, 1994), and an explanation of the voter purge process as provided by this Agreement (by April 20, 1994);

i.) The candidates for office and their political parties for each election (by the date on which the ballot is printed); and

j.) Explanations of voting procedures including the operation of voting machines and how to cast a write-in ballot (by May 1, 1994).

2. The county may substitute and/or supplement video tapes for audio tapes covering at least the subjects listed above. All tapes will be edited or new tapes shall be made within 10 days of enactment of any change in election requirements or procedures, so as to reflect and incorporate the new information. Copies of all tapes and other materials prepared pursuant to this Agreement shall be provided to the Alamo Navajo Chapter, the NEA and the United States.

3. Separate recordings shall be provided for each election-related subject matter so as to avoid lengthy tape recording, and the county shall make every effort to ensure that tape recordings do not exceed five minutes in length. Separate tapes shall be made, for example, for each separate constitutional amendment or bond issue to be voted on at a given election. A library of currently applicable tapes, together with English transcripts or text, shall be maintained at the Satellite Election Office.

4. The county, through the Voting Rights Coordinator and Tribal Election Liaison, shall engage in all reasonable efforts to see to it that each tape is played in at least two Alamo Navajo Chapter meetings, as well as at other public meetings and gatherings during the appropriate publicity period. The Voting Rights Coordinator, Tribal Election Liaison or other trained bilingual person shall be present to answer any questions concerning the subject matter of the tape, and the Voting Rights Coordinator shall make a formal request to the appropriate tribal official or officials regarding such presentation in a timely manner. If appropriate tape-playing equipment is not available on the site visited, the county shall provide such equipment to the Voting Rights Coordinator for this purpose.

5. Native American language audio and/or video tapes described in this Agreement shall be available generally to individuals and organizations at the Satellite Election Office and the Alamo Navajo chapter house.

6. The county shall enter into written contracts with qualified persons so that accurate translations are made. The county may use tapes provided by the state, and may coordinate with other counties of the State of New Mexico in the production of tapes; but Socorro County shall be responsible for addressing promptly and, if necessary, correcting or clarifying any translation upon report from any Voting Rights Coordinator, official of the Alamo Navajo Chapter, or any other Navajo speaker. Disputes as to the accuracy of a given translation which are not promptly resolved by mutual agreement between county officials and Native American leaders will be resolved by a mutually agreed upon third party, and the United States shall be notified of each such dispute. The county shall seek the assistance of the state in identifying and retaining any necessary translators or subject matter experts to assist in translation of technical or complicated election-related materials. In the event that the state fails to provide such translators or subject matter experts, the county shall request the assistance of the NEA.

7. The translation shall begin as soon as the English text for an item is known, and translation and review of any election-related material shall be completed promptly. The county's responsibility to ensure prompt and accurate translation of election materials and information, and dissemination thereof, shall extend to materials and information relating to statewide issues, including those published in each Election Proclamation,

and to elections of subdivisions of Socorro County, including but not limited to the Magdalena School District.

8. The Voting Rights Coordinator shall, in consultation with the Tribal Election Liaison and other tribal officials, develop a series of posters suitable for public display to accompany translated and written notices respecting election matters.

9. Upon request, Socorro County shall make available all translations and election materials prepared pursuant to this Program to all governmental entities within Socorro County and other counties which endeavor to provide election information to Native American citizens.

F. Dissemination of Election-Related Information

1. The county shall plan and publicize meetings at the Alamo chapter house, schools, and other sites convenient to voters of Alamo, at which the Voting Rights Coordinator and other trained personnel will make oral presentations in the Navajo language with appropriate audio and visual aids, as provided in part E above, according to the following schedule:

a.) During the 45 days prior to each separate deadline for candidate qualification for any federal, state, county, or school office: the qualifications, duties and compensation of each office, and the procedures for qualifying as a candidate.

b.) During the 45 days prior to each separate deadline for registering to vote in any primary, general, school, or special election: the voter registration procedures, including the names of

local deputy registrars, voter registration cutoff dates, and voter registration locations.

c.) During the 60 days prior to each separate election: the offices to be filled including the duties of each office; the names and party affiliation of each candidate; each ballot proposition, including a brief summary of each proposition and an explanation that detailed information on the ballot proposition is available at the Satellite Election Office and other locations.

d.) During the absentee voting period for each election: the absentee balloting process, including explanation of what persons are eligible to vote absentee and absentee voting locations; polling place procedures, including the operation of voting machines; procedures for casting a write-in ballot (if and only if there is a write-in candidate); the availability of detailed election information at the Satellite Election Office; and the availability of trained translators at the polls.

2. The county shall coordinate publicity efforts with Navajo tribal officials and with the NEA. The NEA will be requested to disseminate all such information through public service announcements on radio and television stations. All publicity shall be made available to any areas containing Navajo population concentrations outside the Alamo Chapter identified in consultation with the NEA.

3. Election-related announcements, materials, tapes, and other election information shall be made available to all high

schools serving residents of the Alamo Navajo Chapter to familiarize students with all phases of the election process.

4. Facsimiles of voting machines or devices shall be made available to the Voting Rights Coordinator for use in training election-related officers and conducting voter education programs on their respective reservations.

5. The New Mexico Legislative Council Service publication of Constitutional Amendments Proposed by the Legislature and Arguments For and Against shall be provided to the Voting Rights Coordinator, Tribal Election Liaison, and deputy registration officers of Socorro County by September 1 of each even-numbered year of this Agreement. Socorro County shall be under no obligation to translate the publication.

6. Radio and/or Television: The obligation of Socorro County to make radio and television announcements in the Navajo language shall be satisfied by "notice" announcements providing a brief general description of the subject matter and an identification of all sites where detailed information is available, including the Satellite Election Office. Socorro County shall not be required to broadcast in the Navajo language the full text of constitutional amendments, election proclamations or other lengthy election-related announcements. Socorro County shall distribute tapes for broadcast to KABR in Alamo and to other available stations or programs for broadcast in the Navajo language regarding:

a.) Deadlines for voter registration for participation in all primary, general, school, and special elections involving portions of the Alamo Navajo Chapter, including identification of regularly available voter registration sites in the Alamo Chapter. These announcements, which shall be spot announcements, shall be made at least twenty times each week for the four weeks preceding the deadlines for both state and federal election registration for each primary and general election. The announcements shall include a description of the offices to be filled in the election to which the registration deadline applies.

b.) Candidate qualification. Spot announcements detailing procedures and deadlines for becoming a candidate shall be made daily during the two weeks preceding each candidate filing date, including school board elections.

c.) Dates of special, primary, general, and school board elections, a list of the offices to be elected, and the availability of trained translators at the polls and the right of each voter who requires assistance in casting a ballot to be assisted by a person of her or his choice in accordance with federal law. Announcements shall be made twice a week during at least the three weeks prior to each of the foregoing elections.

d.) An explanation of the ballot identifying each office to be filled, each candidate with the candidate's political affiliation, and the nature and significance of each referendum, proposed constitutional amendment, or ballot proposition to be decided. Announcements shall be made twice a week for at least the

three weeks prior to each special, primary, general, and school board election. Separate announcements shall be made for (1) federal, statewide and multi-county offices (2) county and local offices, and (3) constitutional amendments and other referenda. Socorro County may coordinate announcements respecting federal, statewide and multi-county offices and constitutional amendments and other referenda with other New Mexico counties.

e.) The county shall request that the broadcasters make the above identified announcements at times calculated to reach the largest possible Navajo audience. Each announcement shall refer the audience to the Satellite Election Office for detailed information.

7. Print Media: Socorro County shall not be required to publish in the Navajo language the text of election announcements which are published in English in local newspapers. Announcements detailed in paragraph F.6 shall be published on a weekly basis in the Navajo Times, and twice weekly in the Gallup Independent and a Socorro County newspaper of record, for the publicity periods noted in that paragraph. Socorro County may coordinate such publication with other New Mexico counties.

G. Voter Registration

1. The county shall: request the Alamo Chapter President and other chapter officials to recommend at least six persons qualified to serve as deputy registration officers in Socorro County; request assistance from the NEA in identifying potential deputy registration officers; seek to coordinate state

voter registration with Navajo tribal voter registration through reciprocal deputization of deputy registration officers for state and tribal elections; invite school personnel, including each high school principal and parent-teacher organization officer, to become deputy registration officers; and encourage organized political parties to recommend additional deputy registration officers for election precincts on the reservations. Socorro County shall deputize and train all qualified persons who desire to serve as deputy registrars.

2. Training for deputy registration officers for the Alamo precinct and any other majority Navajo election precinct in the county shall be conducted within the Alamo Chapter by the Voting Rights Coordinator in both English and in Navajo. In addition to training as to registration standards, regulations, and forms, deputy registration officers shall be trained fully regarding the voter purge and absentee voting processes, standards, and regulations. Navajo language tapes and English transcripts shall be used in the training process, and copies of such materials shall be maintained as provided generally in this Agreement.

3. Socorro County shall appoint and train a minimum of six deputy registration officers fluent in English and in Navajo in each county precinct which includes any part of the Alamo Navajo Chapter by May 1, 1994.

4. The names of all deputy registration officers residing or working within the Alamo Chapter shall be prominently posted at the Alamo Navajo chapter house, as permitted by chapter

officials, and at each trading post and/or post office serving the Alamo community. Such lists shall be updated within one week of any change in deputy registration officers. Copies of all lists, and updates thereof, shall be provided to the NEA and the United States within 10 days of posting.

5. The Voting Rights Coordinator, as part of the outreach efforts, shall conduct special voter registration drives in the Alamo Chapter. The NEA, Alamo chapter officers, and the Tribal Election Liaison, shall be consulted as to the best time and place for each registration drive, and notified prior to the scheduled registration.

6. The county shall monitor, on an ongoing basis, the performance of deputy registration officers. The Voting Rights Coordinator shall maintain a record of the number of persons, by race, registered for each month by each deputy registration officer. The Voting Rights Coordinator shall encourage inactive or unproductive deputy registration officers, and the Voting Rights Coordinator shall promptly appoint and train a replacement for any deputy registration officer who fails to respond to such encouragement. The county will adopt recognition programs for deputy registrars to encourage registration activity.

7. The county shall provide the Voting Rights Coordinator and Tribal Election Liaison with current voter registration lists and forms, lists of voters to be purged from the voter registration lists, and detailed election precinct maps for his or her precinct. Copies of the maps and registration lists

shall be maintained and available to the public in the Satellite Election Office.

H. Absentee and Early Voting

1. The county shall supply applications for absentee/early ballots to all deputy registration officers serving the Alamo Chapter, Voting Rights Coordinator, Tribal Election Liaison, and Navajo chapter officers.

2. The Satellite Election Office shall have all materials and personnel available during regular business hours so that an absentee or early ballot can be cast in person on the same basis as at the county courthouse. The Voting Rights Coordinator shall attend the last two Navajo Chapter meetings prior to the deadline for voting absentee in each primary, general, special, or school board election, so that eligible persons may obtain and, if they desire, cast absentee/early ballots in person at that time. At such meetings, the Voting Rights Coordinator shall explain that all persons are eligible to cast absentee/early ballots.

3. The Voting Rights Coordinator shall post information concerning the availability of absentee and early balloting prominently at the Alamo chapter house and at trading posts or post offices which serve the reservation, and at other sites identified by the Tribal Election Liaison.

4. The Voting Rights Coordinator shall be authorized to deliver absentee ballots to voters whose absentee ballot applications have been accepted by the county clerk and to accept

completed absentee ballots from eligible voters for delivery to the county clerk.

I. Election Day Procedures

1. Socorro County shall cooperate with the NEA in the establishment of polling places so that the same buildings can be used for Navajo tribal and state elections in separate areas of the same buildings. At least one voting machine shall be provided for such precinct for every 200 registered voters, or fraction thereof.

2. Poll officials assigned to each majority Navajo election precinct in Socorro County shall be persons who are bilingual in Navajo and in English. The county shall consult with the Tribal Election Liaison, the NEA and Navajo tribal officials of Socorro County, to identify bilingual individuals qualified to work at the polls. Alternate translators shall be designated as required by state law.

3. Poll officials and the Voting Rights Coordinator shall monitor the polls during the course of each election to identify and record each instance in which unreasonable delays occur either in voting or in translation of the ballot occur. Where such delays occur, the county shall take whatever steps are necessary, such as providing additional translators and voting machines, to ensure that such delays do not recur in future elections.

4. Poll officials and translators shall be fully trained, at locations in the Alamo Chapter in the Navajo language concerning election day procedures at the polling places, the

contents and issues appearing on the ballot, and voter purge procedures. Training shall include translation of the entire ballot and related information in the Navajo language. Such training shall include the use of audio and/or video tapes of the entire ballot. A copy of each such tape or set of tapes shall be provided to each poll official along with an English language sample ballot at least 30 days prior to the election, and the county shall ensure that the poll officials have access to appropriate equipment for playing the tapes during this period. Training sessions shall be followed by oral testing in Navajo to ensure their effectiveness.

5. For each voting machine at each polling place serving the Alamo Chapter on election day, the county shall appoint at least one trained translator.

6. Poll officials shall specifically advise each voter who is eligible under state or federal law to receive assistance in casting a ballot that the voter may choose any person to provide that assistance, with the exceptions provided in Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6. After the voter has indicated to a poll official a need for assistance in voting or in reading the ballot in English, the voter's request for assistance shall be noted in the signature roster and it shall be unnecessary for the voter to execute an affidavit of assistance.

7. Poll officials or other designated county officials shall maintain a record of all persons who come to the polls but are not allowed to vote in each precinct of Socorro County. This

record shall include each voter's name, race, address, the reason the person thought she or he was eligible to vote at that site, and the reason for not permitting the person to vote.

8. A list of the persons not permitted to vote shall be provided to the appropriate tribal officials, the Voting Rights Coordinator, Tribal Election Liaison, and deputy registration officers of each precinct involving a portion of the Alamo Chapter. The county shall contact each such person and provide an opportunity for that person to register to vote at the earliest possible time. The Voting Rights Coordinator shall make a report of the list of persons not permitted to vote, the dates on which they were contacted and registered to vote, and identify such additional training, publicity, or other steps that the Coordinator believes would be useful to prevent similar ineligibility among the Native American population in the future.

J. Purge Process

1. Socorro County shall implement the standards and procedures of the National Voter Registration Act of 1993 as the standards and procedures for the removal of voters from the voter registration lists of Socorro County, and no voter shall be removed from the list of eligible voters or denied the right to vote for the failure to vote in any election in Socorro County subsequent to June 1, 1992, except through those standards and procedures.

2. The Satellite Election Office shall be deemed a "central location" under the terms of Section 8(e)(2) of the National Voter Registration Act of 1993.

3. At least 60 days prior to the mailing of any notice of removal from the voter registration lists in accordance with Section 8(d)(2) of the National Voter Registration Act of 1993, the county shall provide to the Voting Rights Coordinator, Tribal Election Liaison, tribal officials, and deputy registrars copies of a list of all persons identified for purging from the voting list for failure to vote in each precinct which involves any part of the Alamo Chapter. Copies of the list shall be sent to the Alamo chapter house in Socorro County with a request that it be posted. The Voting Rights Coordinator, Tribal Election Liaison, tribal officials, and deputy registrars shall be urged to screen said lists to identify persons still eligible to vote in Socorro County but for any failure to vote in any election(s). The name of each such person shall be removed from the list of voters to be purged, and it shall be the responsibility of the Voting Rights Coordinator to correct any errors on the voters list as to address, precinct assignment, or other matter, and to notify the voter of such change. Socorro County shall be under no obligation to mail to any such person any notice pursuant to Section 8(d) of the National Voter Registration Act of 1993.

K. Records

1. Copies of all tapes and other materials or records mentioned in this Agreement shall be maintained by the defendants. Socorro County also shall maintain statistical records including but not limited to:

a. Voter Registration

--Voter registration, by precinct, on a monthly basis.

--Number of voters, by precinct, who are registered at the Satellite Election Office, by each deputy registrar, and at each voter registration drive conducted pursuant to this Agreement.

b. Voter Purge

--Total number of voters purged, by precinct, for failure to vote.

--Total number of voters retained on the voter registration rolls based on certification of eligibility by the Voting Rights Coordinator.

--Total number of voters, by precinct, reinstated by returning post cards.

--Total number of voters validated by other means during the purge period by precinct.

c. Absentee Voting

--Total number of mail requests for absentee ballots and number of absentee votes cast per precinct pursuant to mail requests.

--Total number of absentee ballots cast, per precinct, in person at the county courthouse.

--Total number of absentee ballots cast in person at the Satellite Election Office.

--Total number of absentee ballots cast, per precinct, in person before a deputy clerk and/or Voting Rights Coordinator on the reservation.

d. Publicity

--Time and medium of each broadcast (where records are available) or publication pursuant to this Agreement.

--Time, place and occasion of presentation by the Voting Rights Coordinator, the subject matter(s) addresses, and the approximate number of persons in attendance.

--Time, place and occasion of each instance in which each election-related video and audio tape was played, and the approximate number of persons in attendance.

The county shall update these records on an ongoing basis and these data shall be maintained for all precincts of Socorro County at the county clerk's office and at the Satellite Election Office. All tapes, materials, and records prepared or maintained pursuant to this Program shall be available for public inspection and copying upon request.

2. Beginning on July 1, 1994, and quarterly during each year for the life of this Agreement, the county shall compile a Quarterly Report of the efforts taken pursuant to this Agreement during the preceding three months. The report shall include the status of Native American voter participation as shown by statistics in each area addressed in this Agreement, together with an assessment of the effectiveness of each phase of the Program and

a recommendation of the steps to be taken, if any, to improve Native American voter participation. Copies of the report shall be provided to the United States, the President of the Alamo Navajo Chapter and the NEA.

L. Adjustments to Program

1. It is the goal of Socorro County to provide that the entire election process is fully and effectively accessible to Native American citizens, and the procedures set forth above are designed to achieve that goal. Socorro County shall evaluate its programs on an ongoing basis through consultation with the Tribal Election Liaison the NEA and Navajo tribal officials of Socorro County, and counsel for the United States.

2. The parties shall confer in good faith if any party believes that a particular aspect of the Program has proven ineffective. The parties shall confer at least annually in a good faith effort to improve any aspect of the program which has proven ineffective, in accordance with this Agreement. In the event of changes in Native American population patterns in Socorro County, including the development of any new Native American population concentration within the county, the parties promptly shall confer and develop a program for meeting fully the Native American language needs of such population.

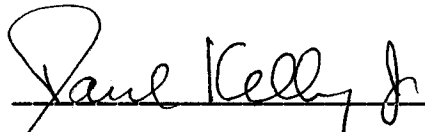
III. CONCLUSION

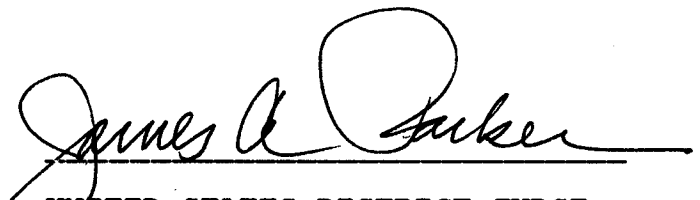
This Agreement represents the commitment of the parties to provide equal voting rights to all citizens of Socorro County, and the county intends fully and faithfully to implement this

Native American Election Information Program. The parties recognize that regular and ongoing reassessment of the above outlined Program by the responsible officials will be necessary in order to ensure that Native American voters are able, and will continue to be able, to enjoy equal access to all phases of the political process in Socorro County. The parties further agree to confer and cooperate in addressing any jurisdictional issues that may arise in connection with the implementation of this Agreement.

The Court shall retain jurisdiction of this case to enter further relief or such other orders as may be necessary for the effectuation of the terms of this Agreement and to ensure compliance with Sections 2 and 203 of the Voting Rights Act, 42 U.S.C. 1973, 1973aa-1a, and the Fourteenth and Fifteenth Amendments.

Entered this 11 day of April, 1994.


UNITED STATES CIRCUIT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE

Approved as to form and content:

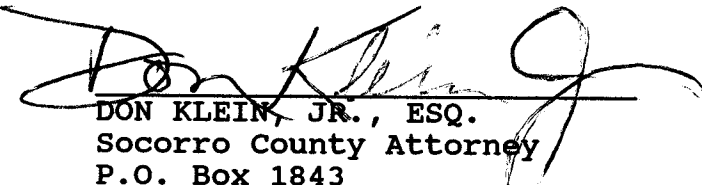
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